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14 SACHS, ROBERT J. SACHS and GEOFFREY Y.
15 YANG

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 In re BIGBAND NETWORKS, INC.
17 SECURITIES LITIGATION

) Master File No. 07-cv-05101-SBA

) CLASS ACTION

) **DECLARATION OF JONI L.**
) **OSTLER IN SUPPORT OF THE**
) **BIGBAND DEFENDANTS' MOTION**
) **TO DISMISS PLAINTIFF'S**
) **CONSOLIDATED CLASS ACTION**
) **COMPLAINT**

19 This Document Relates to:

20 ALL ACTIONS.

) DATE: Dec. 9, 2008

) TIME: 1:00 pm

) COURTROOM: 3

) JUDGE: Hon. Sandra Brown Armstrong

1 I, Joni L. Ostler, declare as follows:

2 I am an attorney associated with the law firm of Wilson Sonsini Goodrich & Rosati,
3 Professional Corporation, attorneys for defendants Amir Bassan-Eskanazi, Frederick A. Ball,
4 Ran Oz, Lloyd Carney, Dean Gilbert, Kenneth A. Goldman, Gal Israely, Bruce I. Sachs, Robert
5 J. Sachs, Geoffrey Y. Yang, and BigBand Networks, Inc. (collectively, the "BigBand
6 Defendants"), in this action. I am admitted to practice before this court. I submit this declaration
7 in support of the BigBand Defendants' Motion to Dismiss Plaintiff's ("Plaintiff") Consolidated
8 Class Action Complaint for Violation of Securities Laws ("Complaint"), filed concurrently
9 herewith. I have personal knowledge of the facts set forth in this declaration and can testify
10 competently to those facts.

11 1. Attached hereto as Exhibit A is a true and correct copy of BigBand Networks,
12 Inc.'s ("BigBand") Prospectus, Form 424B4 filed with the Securities and Exchange Commission
13 ("SEC") on March 15, 2007 and referenced in Plaintiff's Complaint.

14 2. Attached hereto as Exhibit B is a true and correct copy of BigBand's Form 10-K
15 for the fiscal year ending December 31, 2007, filed with the SEC on March 12, 2008.

16 3. Attached hereto as Exhibit C is a true and correct copy of BigBand's Form 8-K
17 filed with the SEC on May 3, 2007 and referenced in Plaintiff's Complaint.

18 4. Attached hereto as Exhibit D is a true and correct copy of BigBand's Form 10-Q
19 for the fiscal quarter ending March 31, 2007, filed with the SEC on May 9, 2007.

20 5. Attached hereto as Exhibit E is a true and correct copy of BigBand's Form 8-K
21 filed with the SEC on August 2, 2007 and referenced in Plaintiff's Complaint.

22 6. Attached hereto as Exhibit F is a true and correct copy of BigBand's Form 10-Q
23 for the fiscal quarter ending June 30, 2007, filed with the SEC on August 10, 2007.

24 7. Attached hereto as Exhibit G is a true and correct copy of BigBand's Form 8-K
25 filed with the SEC on September 27, 2007 and referenced in Plaintiff's Complaint.

26 8. Attached hereto as Exhibit H is a true and correct copy of BigBand's Form 8-K
27 filed with the SEC on October 30, 2007 and referenced in Plaintiff's Complaint.

9. Attached hereto as Exhibit I is a true and correct copy of the transcript of the conference call between BigBand and securities analysts on October 30, 2007 and referenced in Plaintiff's Complaint.

10. Attached hereto as Exhibit J is a true and correct copy of the transcript of the conference call between BigBand and securities analysts on September 27, 2007 and referenced in Plaintiff's Complaint.

11. Attached hereto as Exhibit K is a true and correct copy of the document that was an exhibit to the Declaration of Reed R. Kathrein in Support of the Motion to Consolidate, to Appoint Gwyn Jones Lead Plaintiff and to Approve Proposed Lead Plaintiff's Selection of Counsel. This document is in the Court file at Docket #13.

12. Attached hereto as Exhibit L is a true and correct copy of Restatement and Revision of Accounting Research Bulletins, Accounting and Research Bulletins No. 43 (Fin. Accounting Standards Bd. 2008).

13. On or about July 28, 2008, in accordance with the Court's Standing Orders (as revised on June 16, 2008), I met and conferred via telephone with Peter E. Borkon, counsel for Plaintiff, and Teodora Manolova, counsel for the underwriter defendants, regarding defendants' intent to file a motion to dismiss the Complaint. Counsel for Plaintiff declined to agree to dismiss the Complaint.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed in Palo Alto, California on August 8, 2008.

/s/ Joni L. Ostler
Joni L. Ostler